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B/ITW
PATENT

Attorney Docket No.: DERMA-06458

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gilbert Garitano
Serial No.: 09/940,236
Filed: 08/27/2001
Entitled: **IMAGES IN SOLID SURFACES**

Group No.: 1774
Examiner: Tamra Dicus
Draftsperson: Nhan Tang

**TRANSMITTAL LETTER RE:
NOTICE REGARDING DRAWINGS****VIA FEDERAL EXPRESS**

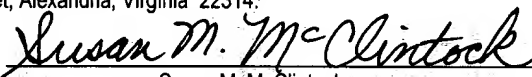
United States Patent and Trademark Office
Customer Service Window – MAIL STOP ISSUE FEE
Randolph Building
401 Delany Street
Alexandria, Virginia 22314

CERTIFICATE OF MAILING

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited via Federal Express Priority Overnight service, under **FedEx Tracking No. 8524 2661 0567**, in an envelope addressed to: U.S. Patent & Trademark Office, Customer Service Window – Mail Stop Issue Fee, Randolph Building, 401 Dulany Street, Alexandria, Virginia 22314.

Date: January 6, 2006

By:

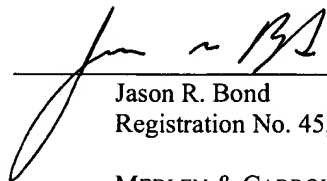

Susan M. McClintock

Dear Nhan Tang:

In response to the **Notice of Draftsperson's Patent Drawing Review** (Form PTO-948) mailed **November 29, 2005** (a copy of which is enclosed), applicant submits the following documents:

- Response To Notice Regarding Drawings; and
- Corrected Drawings In Compliance With 37 CFR § 1.84 (**Figures 1–5**).

Applicant believes that no additional fee is due in association with this Communication. However, if this is incorrect, the Commissioner is hereby authorized to charge payment of the required fee(s), and/or credit any overpayment, to **Deposit Account No. 08-1290**. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Date: January 6, 2006
Jason R. Bond
Registration No. 45,439

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
(608) 218-6900



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gilbert Garitano
Serial No.: 09/940,236
Filed: 08/27/2001
Entitled: **IMAGES IN SOLID SURFACES**

Group No.: 1774
Examiner: Tamra Dicus
Draftsperson: Nhan Tang

**RESPONSE TO NOTICE OF
DRAFTSPERSON'S PATENT DRAWING REVIEW
MAILED NOVEMBER 29, 2005**

VIA FEDERAL EXPRESS

United States Patent and Trademark Office
Customer Service Window – MAIL STOP ISSUE FEE
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

CERTIFICATE OF MAILING	
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited via Federal Express Priority Overnight service, under FedEx Tracking No. 8524 2661 0567 , in an envelope addressed to: U.S. Patent & Trademark Office, Customer Service Window – Mail Stop Issue Fee, Randolph Building, 401 Dulany Street, Alexandria, Virginia 22314.	
Date: <u>January 6, 2006</u>	By: <u>Susan M. McClintock</u> Susan M. McClintock

Dear Nhan Tang:

This communication is responsive to the Notice Of Draftsperson's Patent Drawing Review mailed November 29, 2005, and setting a two-month nonextendable period for reply, which ends on January 29, 2006.

Please find enclosed corrected figures. It is believed that these corrected figures comply with the requirements for formal drawings.

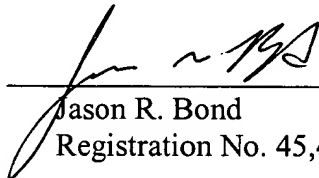
The draftsperson objected to the shading in Figures 1-2 and 4-5. These figures show **photographs** of tiles with color images embedded therein, where the *shading is part of the original photographic image* and is designed to show color or shades of black and gray. Applicant notes that such shading is allowed to show color in accordance with 37 CFR 1.84 (m).

However, in order to enhance the reproducibility of the figures, Figures 1-2 and 4-5 have been corrected by reproducing them in gray scale. A brief test on Applicant's copy machine confirmed that corrected Figures 1-2 and 4-5 had good reproducibility in accordance with 37 CFR 1.84(l).

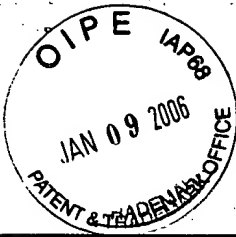
The draftsperson also objected to certain line thickness and character heights in the Figures. Figure 3, which is not a photograph, has been corrected by a professional draftsperson. Figures 1, 2 and 5 contain **photographic images**, where part of the image consists of numbers, letters, or lines. The numbers, letters and lines are *part of the original photographic image*. The images in these figures have been enlarged in order to comply with the draftsperson's Notice. In Figure 4, the text is not part of the photographic image and has been re-typed in accordance with the draftsperson's Notice. Again, as noted above, a brief test by Applicant's copy machine confirmed good reproducibility of these five figures, including the letters, numbers and lines that are part of the photographic images, in accordance with 37 CFR 1.84(l).

Applicant respectfully requests that the Figures be accepted. If the draftsperson has any concerns, Applicant requests that the Examiner call the undersigned at **608-218-6900** such that any issues can be handled on an expedited basis.

Date: January 6, 2006

By: 
Jason R. Bond
Registration No. 45,439

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
(608) 218-6900



UNITED STATES PATENT AND TRADEMARK OFFICE

MRD

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER 09/940236	FILING/RECEIPT DATE 08/27/2001	FIRST NAMES APPLICANT GARITANO, GILBERT	ATTORNEY DOCKET NUMBER DERMA-06458
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MEDLEN & CARROLL, LLP
101 HOWARD STREET
SUITE 350
SAN FRANCISCO CA 94105

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MEDLEN & CARROLL

Examiner

DICUS, TAMRA

Art Unit

1774

Paper Number

Date Mailed: 11-29-05

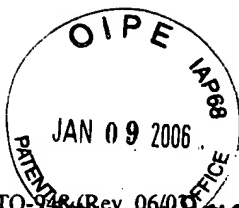
Notice Regarding Drawings

Corrected drawings for the above-identified application, received in (the USPTO on 08/27/2001 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Review
Nhan Tang -703-305-0333 - Ext. 132

RETURN CORRECTED DRAWINGS TO:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450



Form PTO-948 (Rev. 06/03)
Application No. 09/940236

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 08/27/01 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.
B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) _____
☐ Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)
☐ One (1) full-tone set is required. Fig(s) _____
☐ Photographs may not be mounted. 37 CFR 1.84(e)
☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____
☐ Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(e)
☐ Paper not flexible, strong, white, and durable. Fig(s) _____
☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:
21.0 cm by 29.7 cm (DIN size A4) or
21.6 cm by 27.9 cm (8 1/2 x 11 inches)
☐ All drawing sheets not the same size.
☐ Sheet(s) _____
☐ Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
☒ Margins not acceptable. Fig(s) 3
☐ Top (T) ☒ Left (L)
☐ Right (R) ☐ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)
REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☐ Views not labeled separately or properly. Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)
☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)
☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)
☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)
☒ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 1-5

11. SHADING. 37 CFR 1.84(m)
☐ Solid black areas pale. Fig(s) _____

☒ Solid black shading not permitted. Fig(s) 1-5
12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)
☒ Numbers and reference characters not plain and legible. Fig(s) 1-5
☐ Figure legends are poor. Fig(s) _____
☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____

☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____

☒ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) 1-5

13. LEAD LINES. 37 CFR 1.84(q)
☐ Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

☐ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)
☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. DESIGN DRAWINGS. 37 CFR 1.152
☐ Surface shading shown not appropriate. Fig(s) _____
☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

COMMENTS:

Reviewer Tang

If you have questions, call (703) 305-~~8407~~ 0333x132

Date 11/29/05

Attachment to Paper No. _____